

Notice of Allowability

Application No.

09/813,266

Examiner

Khanh Tran

Applicant(s)

MCCARTY, ROBERT J.

Art Unit

2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on 12/2/2004.
2. ☒ The allowed claim(s) is/are 1-3 and 5-20, wherein claims 5-20 are renumbered as claims 4-19.
3. ☒ The drawings filed on 02 December 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

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1. The Amendment filed on 12/2/2004 has been entered. Claims 1-3 and 5-20 are pending in this Office action.

2. Claims 5-20 are renumbered as claims 4-19.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Steven Slater, Registration No. 35,361, on 03/14/2005.

- In regard to the Specification, on page 4, in line 20, add -- Figure 6 illustrates various components of synchronization unit --.
- Regarding "the Amendments to the Specification", on page 2 of 11, in line 19, "Control signal generator 40" has been changed to -- control signal generator 340 --.
- Regarding claim 1, in line 9, "said step" has been changed to -- step --; in line 22, ";" has been changed to -- . --.

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- Regarding claim 14, in line 13, "comprising" has been changed to – comprising: --.

Response to Arguments

4. Applicant's arguments, see pages 10-11, filed on 12/2/2004, with respect to claims 1-3, 5-9 and 12-13 have been fully considered and are persuasive. The rejection of claims 1-3, 5-9 and 12-13 has been withdrawn.

5. The objection of the Drawings has been withdrawn after Applicant amended the drawings to include claimed subject matter. New figure 6 has been accepted and entered.

6. Amendments to the Specification are accepted and have been entered.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

7. Regarding claim 1, claim 1 is allowable over the prior art of record after Applicant amended claim to include allowable limitations stated in previous Office action "down sampling from said sampling rate wherein more than N sample points are sampled per information period to a filtering rate of N sample points per information

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period prior to said step of filtering each of N sample points". The US Patent 5,768,323 fails to render the allowable limitations obvious.

8. Regarding claim 14, claim 14 is allowable over the prior art of record since the cited references taken individually or in combination fails to particularly disclose a telecommunication receiver capable of synchronizing with a received signal, the receiver comprising "a pulse shaping filter configured as set forth in the claim" and "the synchronization unit comprising elements as set forth in the claim". The closet prior art, US Patent 5,768,323 disclosing symbol synchronizer using modified early/punctual/late gate technique, fails to anticipate or render the above underlined limitations obvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Tran whose telephone number is 571-272-3007. The examiner can normally be reached on Monday - Friday from 08:00 AM - 05:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ghayour can be reached on 571-272-3021. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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TESFALDET BOCLURE
PRIMARY EXAMINER

